IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 145 OF 2006
IN
CIVIL REVISION APPLICATION NO. 87 OF 2006

The Special Recovery Officer Pavna Sahakari Bank Ltd. Pune. ..Applicant

Vs.

M/s. Talera Automobiles Pvt. Ltd. and anr. ..Respondents

Mr. A.V. Anturkar with Mr. S.B. Deshmukh for applicant.

Mr. P.K. Dhakephalkar, Senior Counsel with Mr. Madhav Jamdar for respondent no.1.

CORAM: B.H. MARLAPALLE, J.

Date : October 09, 2006.

P.C.:

1. Heard Mr. Anturkar with Mr. Deshmukh the learned counsel for the applicant. Perused the grounds for review. Having considered the scheme of Section 101 of the Maharashtra Co-operative Societies Act, 1960 read with the scheme of Rule 107 of the Maharashtra Co-operative Societies Rules 1961, the tenant's rights to continue in the premises under attachment cannot be affected by the process of

execution of a recovery certificate, namely, by way of attachment and sale of the property concerned.

2. The order dated 7/7/2006 passed in Civil Revision Application No.87 of 2006, therefore, does not call for any reconsideration.

3. Hence the application is rejected summarily. At the same time in para 4 of the order dated 7/7/2006, the word "discontinuation" has occurred by mistake and it should be read as "this continuation".

4. Office to issue corrected writ to the concerned parties.

(B.H. Marlapalle,J.)